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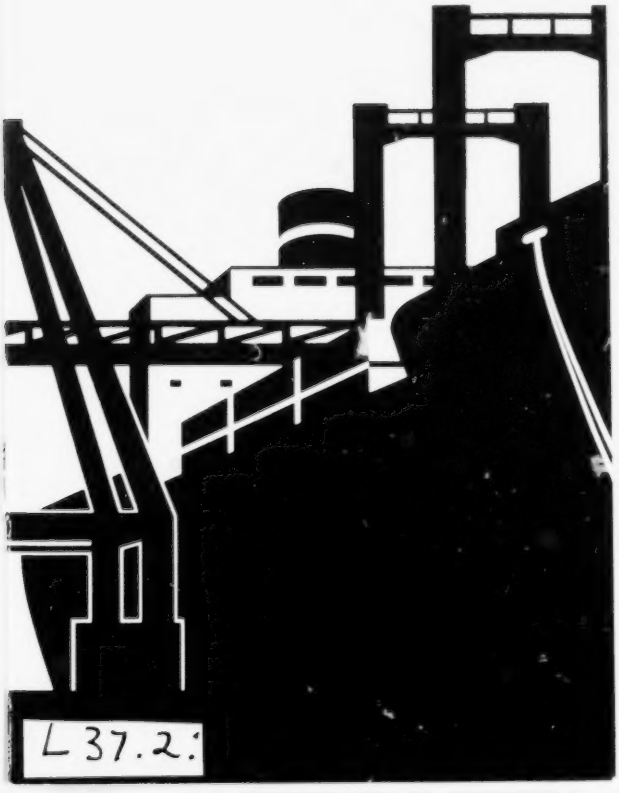
If Imports Cost You Your Job... Apply for Trade Adjustment Assistance

U.S. Department of Labor
Employment and Training Administration



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Trade Adjustment Assistance

Trade Adjustment Assistance (TAA) is available to workers who lose their jobs or whose hours of work and wages are reduced as a result of increased imports.

Under the Trade Act of 1974, as amended, workers whose employment is adversely affected by increased imports may apply for TAA. TAA includes a variety of benefits and reemployment services to help unemployed workers prepare for and obtain suitable employment. Workers may be eligible for training, a job search allowance, a relocation allowance, and other reemployment services. Additionally, weekly trade readjustment allowances (TRA) may be payable to eligible workers following their exhaustion of unemployment benefits. Usually, TRA benefits will be paid only if an individual is enrolled in an approved training program.

The TAA program is administered by the Employment and Training Administration of the U.S. Department of Labor. States serve as agents to the Labor Department in administering the TAA program.

Establishing eligibility for trade adjustment assistance

You must first file a petition with the Office of Trade Adjustment Assistance to establish group eligibility to apply for TAA. Petitions may be filed by a group of three or more workers, their union, or an authorized representative. You can obtain proper forms from the nearest local office of your State employment security agency, or from any agency designated by the Governor of your State to provide TAA reemployment services; or you can phone (202) 376-6896 or write to the U.S. Department of Labor, Employment and Training Administration, Office of Trade Adjustment Assistance, Room 6434, 601 D Street, N.W., Washington, D.C. 20213.

When a petition is received, a factfinding investigation is conducted to determine whether increased imports contributed importantly to decreased sales or production and to worker

separations in a particular company or subdivision. If increased imports contributed importantly to job reductions in your company or subdivision, the Labor Department certifies the affected group of workers as eligible to apply for TAA. The certification will contain an "Impact Date", which is a date of up to one year prior to the date of the petition. The life of the certification extends from the Impact Date to two years from the date of issuance, unless terminated earlier. Workers who are separated within the period of the certification and who are covered by the certification are eligible to apply for TAA.

Applying for TAA benefits when your group has been certified

To be eligible for TAA benefits and reemployment services, you must have been laid off or put on a reduced work schedule (hours of work reduced to 80 percent or less of your average weekly hours and wages reduced to 80 percent or less of your average weekly wage) on or after the "Impact Date" and before the ending date of certification.

Go to the nearest local office of your State Unemployment Insurance (UI) agency and file an application for a determination of your individual eligibility for trade readjustment allowances (TRA). Your application will be taken by a staff member of the State UI agency and a determination made as to whether you are eligible for TRA benefits. Even if it is determined that you are not entitled to them, if you are covered by a certification and have a qualifying separation then you remain eligible to apply for other TAA program benefits.

Each State has designated an agency to provide training and reemployment services to trade-impacted workers. The State UI staff will advise you to apply for training and other reemployment with the agency providing these services. Ordinarily, this agency is the State employment service; but if not, the local office staff of the State unemployment insurance agency will be able to direct you to the designated agency.

Improving your job prospects through training

If there are no suitable jobs in your area and training would improve your chances of getting a job, you should discuss your needs and aims with the staff of the designated agency. You will be advised as to the employment outlook for workers with different job skills, the kinds of work best suited to your aptitudes and interests, and the training opportunities that may be available at no cost to you. Training opportunities include on-the-job training, vocational or technical training, and remedial education.

You may receive TRA benefits while you train as long as you continue to attend and make satisfactory progress in the training. If the training facility you attend is beyond the normal commuting distance from your home, you may be paid for some of your transportation costs and living expenses.

Obtaining a job search allowance

A job search allowance may be payable to cover expenses incurred in seeking employment outside your normal commuting area. You may be paid 90 percent of necessary transportation and living expenses (up to a maximum of $800) while searching for such employment.

There are time limits for filing applications for job search allowances. You must file for job search allowances within 365 days after the date of certification or 365 days after the date of your last total separation, whichever is later, or within 182 days after you complete approved training. Therefore, it is important that you visit the designated agency and file an application before beginning your search for work outside your normal commuting area. Only travel within the United States is authorized.

Obtaining a relocation allowance

If you are successful in obtaining employment outside your normal commuting area, the TAA program offers financial assistance for you to relocate to your new area of employment.

A relocation allowance pays 90 percent of the reasonable and necessary expenses of moving you, your family, and your household goods (not to exceed the weight limit authorized in Federal travel regulations) to the new location. Additionally, you will receive a lump sum payment equal to three times your former average weekly wage (up to a maximum $800) to help you get settled.

To apply for a relocation allowance, go to the designated agency. Your application must be filed and approved before moving. Your application may be approved if it is determined that no suitable work is available in your home area and that you:

- Have obtained suitable work of long-term duration or a bona fide offer of such work in the area within the United States to which you will move.
- Have not previously received a relocation allowance under the same certification.
- Are totally separated from certified employment at the time of relocation. (Partially separated workers may apply in anticipation of total layoff.)

There are time limits for filing an application for a relocation allowance. You must file for a relocation allowance within 42 days after the date of certification or 425 days after your last total separation, whichever is later, or within 182 days after you complete approved training.

Also, you must begin your relocation within 182 days after you apply for a relocation allowance or 182 days after you complete approved training.

Qualifying for trade readjustment allowances (TRA)

To qualify for TRA benefits you must:

- Be covered by a certification.
- Be totally separated from employment, due to lack of work in adversely affected employment, on or after the impact date and before the ending date of the certification.
- Have worked at least 26 weeks at wages of $30 or more a week in adversely affected employment with a single firm or subdivision in the

52-week period ending with the week of separation. (Up to 7 weeks of non-work for specified reasons and up to 26 weeks of worker's compensation may be counted toward the 26 weeks.)

- Have been entitled to and have exhausted all rights to unemployment benefits.
- Meet the same weekly work test applicable to claimants for extended unemployment benefits, including actively seeking, applying for and accepting work within your capabilities.
- Be enrolled in or have completed an approved training program, unless the training requirement is waived by the designated State agency.

The first week for which you may be eligible for TRA must begin more than 60 days after the filing date of the petition which was certified by the Labor Department.

If you do not qualify for TRA benefits, you may still be eligible for reemployment services, training, a job search allowance, and a relocation allowance, if you are covered by a certification and have a qualifying separation from adversely affected employment.

The amount of your TRA

If you qualify for TRA benefits, the weekly amount of your TRA will be generally the same as the amount of the State unemployment benefits you were receiving immediately before you exhausted your first rights to such benefits and became eligible for TRA benefits.

Your TRA benefits will be reduced by any earnings or other income you receive in the same way that such earnings and income would have reduced your weekly unemployment benefits. Your TRA will also be reduced by the amount of any other Federal training allowance you are entitled to for the same week.

Your TRA eligibility period

If you qualify for TRA assistance, your eligibility period for basic TRA benefits is the 104-week period beginning with the first week which follows the week of your most recent total separation within the certification period. However, you must exhaust all your rights to unemployment benefits before you may receive TRA benefits. The maximum amount of TRA benefits you may receive during this period is limited to 52 times your TRA weekly amount minus all unemployment benefits which you were entitled to receive. For example, if you received 26 weeks of regular unemployment benefits and 13 weeks of extended unemployment insurance benefits, you may receive up to an amount equal to 13 weeks of TRA benefits. You may, however, receive up to 26 additional weeks of TRA benefits if you applied for training within 210 days of the date of your total or partial separation. Such additional weeks must be necessary for you to complete the approved training program. Also, if you return to work covered by the same certification and are again totally separated within the certification period and again meet the wage qualifying requirements, the 104-week eligibility period will be recalculated beginning with the first week after the subsequent separation.

Your appeal rights

Worker Petition for Group Eligibility. Under the Trade Act of 1974, as amended, workers whose petition for TAA has been denied by the Labor Department may request administrative reconsideration by the Labor Department within 30 days after publication of the determination in the *Federal Register*. Such request must be in writing and provide specific information or reasons why the workers consider the Labor Department's decision to be in error either as to facts not considered or as to the interpretation of the facts or the law. Workers may also file an appeal seeking judicial review of the Labor Department's negative determination or negative redetermination within 60 days of publication of the denial in the *Federal Register*.

Pursuant to the Customs Court Act of 1980 (P.L. 96-417), appeals for judicial review must be filed with the U.S. Court of International Trade, Office of the Clerk, Federal Plaza, New York, New York 10007, (212) 264-2800.

Individual Applications for Allowances and Training. If you are not satisfied with the determination of your individual application, you have the same appeal rights as are provided under your State unemployment compensation law. The determination notice which you receive after filing your application will explain your appeal rights and time limits for filing an appeal.

Other training opportunities and reemployment services

If you do not qualify for TAA, there may be other training opportunities and reemployment services available in your community under the Job Training Partnership Act (JTPA). Information on the agency administering JTPA services in your community should be listed in the telephone directory under such headings as Employment and Training Department or Human Resources Department, or you can obtain such information from the local office of the State Employment Service.

For further information on the TAA program

The Office of Trade Adjustment Assistance is in the Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Room 6434, Washington, DC 20213, telephone (202) 376-6896; and there are TAA representatives in each of the Labor Department's 10 Regional Employment and Training Administration offices (telephone numbers in parentheses): Boston (617-565-2258); New York (212-337-2139); Philadelphia (215-596-6336); Atlanta (404-347-4411); Chicago (312-353-0313); Dallas (214-767-8263); Kansas City, MO (816-426-3796); Denver (303-844-4477); San Francisco (415-995-5482); and Seattle (206-442-7700). However, the best source of further information on how the TAA program works is the local office of your State Employment Security Agency.

List of State Employment Security Agencies

Alabama ..... Department of Industrial Relations, 649 Monroe St., Montgomery, 36130

Alaska ..... Employment Security Division, Department of Labor, P.O. Box 3-7000, Juneau 99802

Arizona ..... Department of Economic Security, P.O. Box 6123, Phoenix 85005

Arkansas ..... Employment Security Division, P.O. Box 2981, Little Rock 72203

California .... Employment Development Department, P.O. Box 942880, Sacramento 94280-0001

Colorado ..... Department of Labor & Employment, 600 Grant St., Suite 900, Denver 80203-3528

Connecticut .. Employment Security Division, 200 Folly Brook Blvd., Wethersfield 06109

Delaware ..... Dept. of Labor, 820 N. French St., Wilmington 19801

District of Columbia ..... Department of Employment Services, 500 C St., NW, Washington, DC 20001

Florida ..... Department of Labor & Employment Security, 2590 Executive Center Cir. E, Suite 206, Berkeley Bldg., Tallahassee 32399-2152

Georgia ..... Georgia Department of Labor 148 International Blvd., N.E., Atlanta 30303

Guam ..... Department of Labor, Government of Guam, P.O. Box 23548 GMF, Agana 96910

Hawaii ..... Department of Labor & Industrial Relations, 830 Punchbowl St., Honolulu 96813

Idaho ..... Department of Employment, 317 Main St., Boise 83735

Illinois ..... Department of Employment Security, 401 S. State St., Rm. 615, Chicago 60605

Indiana ..... Employment Security Division, 10 North Senate Ave., Indianapolis 46204

Iowa ..... Department of Employment Services, 1000 E. Grand Ave., Des Moines 50319

Kansas ..... Department of Human Resources, 401 Topeka Ave., Topeka 66603

Kentucky ..... Department for Employment Service, 275 E. Main St., Frankfort 40621

Louisiana .... Office of Employment Security, P.O. Box 94094, Baton Rouge 70804

Maine ..... Bureau of Employment Security, P.O. Box 309, Augusta 04330

Maryland ..... Department of Economic & Employment Development, 1100 N. Eutaw St., Baltimore 21201

Massachusetts Division of Employment Security, Charles F. Hurley Bldg., Government Ctr., Boston 02114

Michigan ..... Employment Security Commission, 7310 Woodward Ave., Detroit 48202

Minnesota .... Department of Jobs & Training, 390 N. Robert St., St. Paul 55101

Mississippi ... Employment Security Commission, 1520 W. Capital St., Box 1699, Jackson 39205

Missouri ..... Division of Employment Security, P.O. Box 59, Jefferson City 65101

Montana ..... Dept. of Labor & Industry, State Capitol, Helena 59620

Nebraska ..... Department of Labor, P.O. Box 94600, Lincoln 68509-4600

Nevada ..... Employment Security Department, 500 East Third St., Carson City 89713

New Hampshire	Department of Employment Security, 32 S. Main St., Concord 03301
New Jersey	Department of Labor & Industry, John Fitch Plaza, Trenton 08625-0110
New Mexico	Employment Security Department, P.O. Box 1928, Albuquerque 87103
New York	Department of Labor, State Campus, Building 12, Albany 12240
North Carolina	Employment Security Commission of North Carolina, 200 West Jones St., P.O. Box 25903, Raleigh 27611
North Dakota	Job Service North Dakota, 1000 E. Divide Ave., P.O. Box 1537, Bismarck 58505
Ohio	Bureau of Employment Services, 145 South Front St., Columbus 43215
Oklahoma	Employment Security Comm., 200 Will Rogers Memorial Office Bldg., Oklahoma City 73105
Oregon	Employment Div., Dept. of Human Resources, 875 Union St., N.E. Salem 97311
Pennsylvania	Office of Employment Security, Dept. of Labor & Industry, P.O. Box 1899, Harrisburg 17105
Puerto Rico	Bureau of Employment Security, Dept. of Labor & Human Resources, 505 Munoz River Ave., Hato Rey 00918
Rhode Island	Department of Employment Security, 24 Mason St., Providence 02903
South Carolina	Employment Security Comm., 1550 Gadsden St., P.O. Box 995, Columbia 29202
South Dakota	Department of Labor, 700 N. Illinois, Pierre, S.D. 57501
Tennessee	Dept. of Employment Security, Cordell Hull State Office Bldg., Nashville 37219
Texas	Employment Commission, 638 TEC Bldg., 15th & Congress Ave., Austin 78778
Utah	Department of Employment Security, 174 Social Hall Ave., P.O. Box 11249, Salt Lake City 84147
Vermont	Dept. of Employment Security, 5 Green Mountain Dr., P.O. Box 488, Montpelier 05602
Virginia	Employment Commission, Dept. of Labor and Industry, 703 E. Main St., P.O. Box 1358, Richmond 23211
Virgin Islands	Employment Security Agency, 335 Nore Gade St., P.O. Box 1090, Charlotte Amalie 00801
Washington	Employment Security Department, P.O. Box 367, Olympia 98504
West Virginia	Department of Employment Security, 112 California Ave., Charleston 25305
Wisconsin	Job Service Wisconsin, Dept. of Industry, Labor & Human Relations, P.O. Box 7944, Madison 53707
Wyoming	Employment Security Commission of Wyoming, P.O. Box 2760, Casper 82602

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